## REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated February 26, 2010. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-21 are pending in the Application. Claims 1, 19 and 20 are independent claims. By means of the present amendment, claims 1-21 are amended for clarity. By these amendments, the claims are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Office Action, claims 1-18 are rejected under 35 U.S.C. §101 for not being tied to a particular machine. The rejection of claims 1-18 under 35 U.S.C. §101 is respectfully traversed. Contrary to an assertion made in the Office Action on page 3, lines 16-18, because the preamble of claim 1 is directed to a "method of analyzing a plurality of content items in a processing apparatus" it follows that the method acts for analyzing a plurality of content items are necessarily performed in the processing apparatus. To argue otherwise ignores the limitations of the claim. However, in the interest of advancing consideration and allowance of the claims, the Applicants have elected to amend the claims in an attempt to address the concerns raised by the Office Action and thereby, satisfy the first prong of the "new test" discussed in the Office Action, on page 3. This is now the fourth attempt by the Applicants to address this particular concern. Should the Examiner still maintain this rejection in a subsequent Office Action, the Examiner is respectfully requested to provide

guidance on how to address this rejection since the Applicants are eager to dispense with this distraction.

Furthermore, it is respectfully submitted that the independent claims also satisfy the second prong of the "new test" discussed in the Office Action, on page 4 in that the claims achieve a transformation of the data. For example, claim 1 recites "receiving a plurality of content items; and setting a preference value for each received content item". Thus, it is respectfully submitted that the preference value is data transformed.

Accordingly, it is respectfully submitted that claims 1-18 are in proper form and it is respectfully requested that this rejection under 35 U.S.C. §101 be withdrawn.

Claims 20-21 are rejected under 35 U.S.C. §101 for not being tied to a particular statutory category. In response claim 20 is amended to address the concerns raised by the Office Action. It is further noted that while software implementation is disclosed in the application, the application makes clear that (emphasis added) "the invention is preferably implemented as computer software running on one or more data processors." (See, present application, page 14, lines 10-12.) As such, and as readily appreciated by a person of ordinary skill in the art, even if the elements of claim 20 are implemented as computer software, the elements of receiving, setting and recommending can only be implemented when the software is running on one or more data processors (hardware), which are structural components tied to a statutory category. Claims 20 and 21 are directed to such a "processing apparatus". Accordingly, it is respectfully submitted that claims 20-21 are in proper form and it is respectfully requested that this rejection under 35 U.S.C. §101 be withdrawn.

Claims 20-21 are rejected under 35 U.S.C. §112, second paragraph. Claims 20 and 21 are amended to address the concerns raised by the Office Action. Accordingly, it is respectfully submitted that claims 20-21 are in proper form and it is respectfully requested that this rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

Claims 1-11 and 15-19 are rejected under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. 2004/0083490 to Hane ("Hane"). Claims 12-14 are rejected under 35 U.S.C. §103(a) over Hane in view of "Innovations: [Daily Edition]" by Nicky Blackburn ("Blackburn"). Claims 20-21 are rejected under 35 U.S.C. §103(a) over Hane in view of "Exploring The Anatomy Of Multiprocessor Designs" by Robert Cravotta ("Cravotta"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-21 are allowable over Hane alone and in view of Blackburn and Cravotta for at least the following reasons.

The independent claims are amended herein to clarify the recitations of the claims. By these amendments, the claims are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications. In pertinent part the independent claims recite the following:

> recommending the content item having the preference value set high to the user, and
> if the content item does not have the preference value set high, recommending the content item if it comprises at least one first characteristic having an associative correspondence to at least one second characteristic of at least one previously received content item having the user preference set high.

In other words, the claims set out a two part test for providing a recommendation. In the first part of the test, the content item having the preference value set high is recommended to the user. In the second part of the two part test, the content item that does not have the preference value set high may also be recommended to the user if that content item includes a characteristic corresponding to a characteristic of a previously received content item that does have the preference value set high.

The above argument was presented in the response to the July 30, 2009 Final Office Action, with that argument referencing the present application, page 9, lines 25-28 and page 9, line 32 to page 10, line 9 as describing and explaining the claim recitation.

The above quoted element of the independent claims is rejected in the Office Action on page 8, line 5 to page 9, line 17 with reference to Hane, page 6, paragraph [0140], page 7, paragraph [0148], and page 4, paragraph [0093] to page 6, paragraph [0132] of Hane, for a total of 39 paragraphs of Hane cited for showing this claim recitation! However, it is respectfully submitted that none of the 39 paragraphs of Hane cited, nor anywhere within the four corners of Hane for that matter, teach, disclose or suggest this claim recitation.

Paragraph [0140] of Hane states that the procedure carried out when the keyword of the selected component is not registered will be explained later. This does not teach, disclose, or suggests recommending a content item NOT having the user preference set high if it includes characteristics similar to another content item having the user preference set high or "recommending the content item if it comprises at least one first characteristic having an associative correspondence to at least one second characteristic of at least one

previously received content item having the user preference set high" as for example

recited in claim 1.

Paragraph [0148] of Hane states the following:

a predetermined number of programs which are sorted in high ranks by
the evaluation values PRj as programs to be recommended to the user
(Step S308), and completes the process of determining the programs to
be recommended. The number of programs which can be set as
recommended programs at a time is set in accordance with the nunber of
programs which can be displayed at once on the recommendation page,
for example

In this paragraph, Hane merely shows ranking of programs, but nothing in this paragraph

suggests recommending a content item NOT having the user preference set high if it

includes characteristics similar to another content item having the user preference set high

or "recommending the content item if it comprises at least one first characteristic having an

associative correspondence to at least one second characteristic of at least one previously

received content item having the user preference set high" as for example recited in claim

1.

With regard to Hane paragraphs [0093] to [0132], the Examiner explains in the

Response to the Arguments section at pages 18-19 of the Office Action the use of the 39

paragraphs as being necessary to explain the recommendation process of Hane. Having

reviewed paragraphs [0093] to [0132] and the rest of Hane for that matter, the Applicants

are unable to find any teaching, discussion, or suggestion of making a recommendation in

the manner recited in the independent claims of the present application. If the Examiner is

aware of a teaching, description, or suggestion anywhere in Hane of recommending a

content item NOT having the user preference set high if it includes characteristics similar to

another content item having the user preference set high or "recommending the content item if it comprises at least one first characteristic having an associative correspondence to at least one second characteristic of at least one previously received content item having the user preference set high" as for example recited in claim 1, the Examiner is requested to provide a non-final office action specifically point out which of the numerous cited portions of Hane specifically teach, disclose or suggest this feature so that the Applicants are provided an opportunity to respond. It is respectfully submitted that Hanes is deficient in at least this teaching.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Hane. For example, Hane does not teach, disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "if the content item does not have the preference value set high, recommending the content item if it comprises at least one first characteristic having an associative correspondence to at least one second characteristic of at least one previously received content item having the user preference set high" as recited in claim 1, and as substantially recited in each of claims 19 and 20.

Cravotta is introduced only for showing use of multiple processors and Blackburn is introduced in rejecting the dependent claims and as such, these references do nothing to cure the deficiencies of Hane.
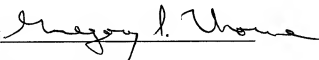
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 19 and 20 are patentable over Hane alone and in view of Blackburn and Cravotta and notice to this effect is earnestly solicited. Claims 2-18 and 21 respectively depend from one

of claims 1 and 20 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By

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